



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/854,362 | 05/15/2001 | David G. Frank | 9351-046 |



H. Samuel Frost
Bereskin & Parr
Box 401
40 King Street West
Toronto, ON M5H 3Y2
CANADA

CONFIRMATION NO. 1286

FORMALITIES LETTER



OC00000006290759

Date Mailed: 07/12/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The signature of the following inventor(s) is missing from the oath or declaration:
William Gordon Bradford
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

*A copy of this notice **MUST** be returned with the reply.*

CV.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

08/31/2001 EABUBAKI 00000063 09854362

01 FC:105

130.00 DP



Bereskin & Parr

Sec 44
H #3

Barristers and Solicitors/Patent and Trade Mark Agents
Practice Restricted to Intellectual Property Law

August 29, 2001

Attorney Docket No. 9351-46

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

The Commissioner of Patents
and Trademarks
Washington, D.C.
U.S.A. 20231
BOX: MISSING PARTS

Re: U.S. Patent Application No. 09/854,362

**For: APPARATUS FOR AND METHOD OF FORMING SEALS IN FUEL CELLS AND
FUEL CELL STACKS**

Filed: 05/15/2001

Applicant: David G. Frank, et al.

In response to the Notice to File Missing Parts of Application (Filing Date Granted) mailed July 12, 2001, please find enclosed:

- (1) a duly executed Declaration and Power of Attorney with respect to the above-referenced patent application;
- (2) a check in the amount of \$130.00 in payment of the surcharge of 37 C.F.R. § 1.16(e) and surcharge of 37 C.F.R. 1.27, as requested in the Notice to File Missing Parts of Application; and
- (3) a copy of the Notice to File Missing Parts of Application.

If any additional fee is required, please charge Deposit Account No. 02-2095. A duplicate of this Response is enclosed for deposit account charging purposes.

Respectfully submitted,

H. Samuel Frost
Registration No. 31,696
/lf
Enclosure



BERESKIN & PARR

BOX 11, 40 KING STREET WEST, TORONTO, ONTARIO CANADA M5H 3Y2
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PTO/SB/17 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

| | | |
|-------------------------|------|--------|
| TOTAL AMOUNT OF PAYMENT | (\$) | 130.00 |
|-------------------------|------|--------|

C mpt if Known

| | |
|----------------------|------------------------|
| Application Number | 09/854,362 |
| Filing Date | May 15, 2001 |
| First Named Inventor | David G. Frank, et al. |
| Examiner Name | Not Yet Assigned |
| Group Art Unit | 1745 |
| Attorney Docket No. | 9351-46 |

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **022095**

Deposit Account Name **Bereskin & Parr**

Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17

Applicant claims small entity status.
See 37 CFR 1.27

2. Payment Enclosed: **#3111**

Check Credit card Money Order Other

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Fee Code | Large Entity (\$) | Small Entity (\$) | Fee Code | Fee Description | Fee Paid |
|----------|-------------------|-------------------|----------|--|----------|
| 105 | 130 | 205 | 65 | Surcharge - late filing fee or oath | 130.00 |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 139 | 130 | 139 | 130 | Non-English specification | |
| 147 | 2,520 | 147 | 2,520 | For filing a request for ex parte reexamination | |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner action | |
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action | |
| 115 | 110 | 215 | 55 | Extension for reply within first month | |
| 116 | 390 | 216 | 195 | Extension for reply within second month | |
| 117 | 890 | 217 | 445 | Extension for reply within third month | |
| 118 | 1,390 | 218 | 695 | Extension for reply within fourth month | |
| 128 | 1,890 | 228 | 945 | Extension for reply within fifth month | |
| 119 | 310 | 219 | 155 | Notice of Appeal | |
| 120 | 310 | 220 | 155 | Filing a brief in support of an appeal | |
| 121 | 270 | 221 | 135 | Request for oral hearing | |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding | |
| 140 | 110 | 240 | 55 | Petition to revive - unavoidable | |
| 141 | 1,240 | 241 | 620 | Petition to revive - unintentional | |
| 142 | 1,240 | 242 | 620 | Utility issue fee (or reissue) | |
| 143 | 440 | 243 | 220 | Design issue fee | |
| 144 | 600 | 244 | 300 | Plant issue fee | |
| 122 | 130 | 122 | 130 | Petitions to the Commissioner | |
| 123 | 130 | 123 | 130 | Petitions related to provisional applications | |
| 126 | 180 | 126 | 180 | Submission of Information Disclosure Stmt | |
| 581 | 40 | 581 | 40 | Recording each patent assignment per property (times number of properties) | |
| 146 | 710 | 246 | 355 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 | 710 | 249 | 355 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 179 | 710 | 279 | 355 | Request for Continued Examination (RCE) | |
| 169 | 900 | 169 | 900 | Request for expedited examination of a design application | |

Other fee (specify) _____

*or number previously paid, if greater; For Reissues, see above

Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

130.00

SUBMITTED BY

| | | | | | | |
|-------------------|-----------------|------------------------|-----------------------------------|-----------------|-----------|----------------|
| Name (Print/Type) | H. Samuel Frost | <i>H. Samuel Frost</i> | Registration No. (Attorney/Agent) | 31,696 | Telephone | (416) 364-7311 |
| Signature | | | Date | August 29, 2001 | | |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.